

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Case No. CR-17-239-D
	)	
JERRY DRAKE VARNELL,	)	
	)	
Defendant.	)	

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS  
HAD ON FEBRUARY 12, 2019,  
BEFORE THE HONORABLE TIMOTHY D. DeGIUSTI  
U.S. DISTRICT JUDGE, PRESIDING

\* \* \* \* \*

OPENING STATEMENT OF THE GOVERNMENT

Proceedings recorded by mechanical stenography; transcript  
produced by computer-aided transcription.

CHRISTINA L. CLARK, RPR, CRR  
United States Court Reporter  
200 N.W. Fourth Street, Suite 5419  
Oklahoma City, Oklahoma 73102  
christina\_clark@okwd.uscourts.gov - ph(405)609-5123

A P P E A R A N C E S

ON BEHALF OF THE GOVERNMENT:

Mr. Matt Dillon  
Assistant United States Attorney  
U.S. Attorney's Office  
210 West Park Avenue  
Suite 400  
Oklahoma City, Oklahoma 73102

Mr. Mark R. Stoneman  
Assistant United States Attorney  
U.S. Attorney's Office  
210 West Park Avenue  
Suite 400  
Oklahoma City, Oklahoma 73102

ON BEHALF OF THE DEFENDANT:

Ms. Marna S. Franklin  
Franklin Law Firm  
620 N. Robinson Ave.  
Suite 203  
Oklahoma City, Oklahoma 73102

Ms. Vicki Z. Behenna  
MULINIX GOERKE & MEYER  
210 Park Avenue  
3030 Oklahoma Tower  
Oklahoma City, Oklahoma 73102

Ms. Laura K. Deskin  
Attorney at Law  
400 North Walker  
Suite 230  
Oklahoma City, Oklahoma 73102

CHRISTINA L. CLARK, RPR, CRR  
United States Court Reporter  
200 N.W. Fourth Street, Suite 5419  
Oklahoma City, Oklahoma 73102  
christina\_clark@okwd.uscourts.gov - ph(405)609-5123

**P R O C E E D I N G S**

(The following is an excerpt of the proceedings had on February 12, 2019, containing only the Government's opening statement:)

MR. DILLON: Thank you, your Honor.

Good afternoon. What happened in Oklahoma City was not an attack on America, it was a retaliation. Retaliation against the freedoms that have been taken away from the American people.

It was a wake-up call to both the government and the people, an act done to show the government what the people thinks of his actions. It is also a call to arms to show that there are still fighters among the American people. The time for revolution is now. Jerry Drake Varnell.

On Friday evening of August 11, 2017, at approximately 8:00 p.m., as most people have finished eating their dinner, the defendant, Jerry Drake Varnell, and Mark Williams were busy loading hundreds of pounds of ANFO, which is anhydrous -- or ammonium nitrate fuel oil into tubs.

The defendant assisted in loading a thousand pounds in these tubs into the back of a van. The goal was starting to be clear. The goal was starting to be reached by Mr. Varnell.

After the fuel oil was loaded, it was wired and set to a time-power unit. At approximately 9:00 p.m., as many people are getting ready for bed, the defendant, on the other hand,

1 begins taking dry runs to downtown Oklahoma City from Elk City  
2 with Mark Williams to make sure that he knew the route he was  
3 going to take, to make sure that he knew how to get to  
4 BancFirst, to make sure there wasn't any roadblocks, anything  
5 that could distract him.

6 At approximately 12:07 on August 12th, just after  
7 midnight, the defendant leaves the Elk City storage building  
8 again. Mark Williams is following him in a truck, in case  
9 anybody tries to stop him, that he could be a distraction. He  
10 would also be a getaway driver.

11 The defendant drove this van with this thousand-pound  
12 bomb all the way, as the dry run showed, to downtown Oklahoma  
13 City. The plan was to park it in the loading dock and down an  
14 alley for the BancFirst building.

15 Once he gets there, he has a problem. There is actually  
16 a car blocking the alley. But the defendant would not be  
17 dissuaded as he circled the block multiple times and waited  
18 for his opportunity to pull in to BancFirst.

19 While he is driving around, he arms the time-power unit.  
20 This is what would power and eventually detonate this  
21 explosive device per instructions that he was given. He wraps  
22 the wires around the terminals. He turns the phone on. He  
23 places the key in. A green light activates. He knows it's  
24 ready to go. And he pulls into the alley and he parks at the  
25 loading dock, which is tucked somewhat underneath the

1 building.

2 Now that everything is armed and everything is ready to  
3 go, he comes out from the alley and he jumps in the truck with  
4 Mark Williams and they drive away. They drive a few miles to  
5 a safe location where they can view downtown.

6 The defendant, not wanting to take a chance that his  
7 phone could be traced, asked to use Mark Williams' burner, a  
8 cell phone that he didn't think would trace back at least to  
9 him. And he dials the number that was given to him to  
10 detonate the device.

11 There is a problem. Nothing happens. Again, not to be  
12 dissuaded, he dials a second time. Still nothing. At night,  
13 when he expects to see a thousand-pound explosion in downtown  
14 Oklahoma City, nothing happens.

15 He dials a third time. This time something does happen,  
16 but it's not what he expects. FBI agents and other law  
17 enforcement officers surround the truck and arrest the  
18 defendant and Mark Williams.

19 As the defendant has said, this was an attack on the  
20 government, a retaliation, a wake-up call. He wanted to show  
21 people that the time for revolution was now. And while the  
22 defendant knew his plan, he knew his target, and he knew his  
23 message, what he didn't know that night was that the person  
24 that was with him, Mark Williams, was actually an undercover  
25 FBI agent.

1           What he also didn't know was that someone he had known  
2 since 2015, someone he confided in, someone that he thought  
3 was like-minded, and someone that he had been speaking with  
4 about doing exactly this thing, what he did not know that  
5 night was that Brent Elisens had actually come forward to FBI  
6 back in January and told them of Mr. Varnell's plan and his  
7 desires to blow up a building. Brent Elisens told FBI that he  
8 didn't want that kind of violence on his conscience. He had  
9 to come forward.

10           As FBI would later discover, for 10 to 11 months prior to  
11 the government even knowing the name Jerry Drake Varnell, the  
12 defendant sent messages and made posts on Facebook. The  
13 messages described how he liked bombs, that they were cheaper  
14 than bullets. He believed that bombs were efficient.

15           He bragged about his chemistry background. He described  
16 how he could make bombs. And to quote him: "One cup of  
17 gasoline, half a cup of powdered chlorine will incapacitate an  
18 entire room. In fact, I've learned enough chemistry over the  
19 years to make a gas bomb out of anything. And, yeah, brake  
20 fluid is pretty nasty. You can make bombs with them."

21           These are posted messages that he is sending in 2016.

22           But how do we get from the defendant attempting to  
23 detonate a weapon of mass destruction three times -- how do we  
24 get there from some online messaging? This didn't happen  
25 overnight, but it progressed quickly, nonetheless.

1           The defendant met Brent Elisens in 2015. They shared a  
2 common interest. Computers. They began speaking about  
3 computers, computer programming. They talked about  
4 development of mobile applications and other ways that they  
5 could put their computer skills to use.

6           Over the next year they continued to talk. These were  
7 online conversations. The two had not actually met in person.  
8 They talked about ways to make money, but they also talked  
9 with each other as normal friends would.

10          They would make jokes, sometimes at the other person's  
11 expense. They would talk about other things going on in their  
12 lives. And they were talking about the world in which they  
13 lived.

14          The defendant had met other people online, some of which  
15 were through Brent Elisens, and he thought they also had some  
16 common ideas together. The defendant and Mr. Elisens, these  
17 like-minded people, began chatting more online.

18          They would utilize Facebook and get into group messages.  
19 They would talk about how they could make the world a better  
20 place. They shared the view that things would never change  
21 without some help.

22          And by September of 2016, this group, including the  
23 defendant, had begun discussing possibly moving to Missouri,  
24 getting a piece of land up there, and starting a farm or  
25 commune-type place.

1       This would be a place where these individuals all  
2 possessed different skills that would help this new community.  
3 It would be a place without capitalism. People could barter  
4 for goods and services.

5       The defendant and the others discussed how to share their  
6 ideas. They wanted a purpose that others could get behind.  
7 They even planned to have a meeting in Norman in October of  
8 2016 to discuss some of this, some of these members even  
9 driving from out of state.

10       As can often happen though with a group with so many  
11 different ideas, the group began to splinter. Some started to  
12 think that people in this group were seeing this opportunity  
13 instead as a way to make money as opposed to getting away from  
14 the capitalistic ideas that they had opposed. Others didn't  
15 think that people in the group were really serious about this  
16 intention of starting over.

17       They also began to be suspicious about if the government  
18 could monitor their communications, these messages that they  
19 had been sharing back and forth. Some thought just the idea  
20 of being not antigovernment necessarily but antiestablishment,  
21 that that would draw attention and possibly lead to bad  
22 consequences. So they decide that they want to look at  
23 encrypted applications and other secure communications.

24       They also decide that if there is anything important or  
25 bad to talk about, that they should probably even do that in



1 person.

2 The defendant and Mr. Elisens started using a mobile  
3 application called TextLock. TextLock enabled a user to enter  
4 a message into this application. They would also enter a pass  
5 phrase, hit encrypt, and it would come up with an  
6 unintelligible string of letters, numbers, characters. That  
7 person would then just copy that message and then send it to  
8 somebody else via just a regular text message, Facebook  
9 Messenger, some other communication method.

10 The person on the receiving end, as long as they knew the  
11 pass phrase, they would reverse this process. They would copy  
12 this encrypted message, they would put it back into TextLock,  
13 type the pass phrase, hit decrypt, and then the message would  
14 come through.

15 The defendant and Mr. Elisens actually became quite fond  
16 of this application. They started using it more and more.  
17 And they actually pulled away from the group as a whole and  
18 they were communicating more in a message forum just between  
19 the two of them.

20 Mr. Elisens continued to discuss a survivalist-type idea  
21 to get out of society, to get back to a land. He just wanted  
22 to get away from everything that was going on right then. But  
23 in the middle of October, he decided that he actually wanted  
24 to leave soon, sooner than the others had originally been  
25 thinking.

1       There was a meeting scheduled for October 23rd of 2016,  
2 as we previously said. They wanted to discuss their ideas.  
3 The entire group were going to drive in for this and meet in  
4 Norman.

5       The defendant wasn't going to be able to attend that day,  
6 but he had asked that some of his thoughts be shared. He had  
7 taken the time to -- according to him, to read, and he put  
8 some of his thoughts down in writing, first in messages.

9       And what he told Mr. Elisens: "If Hillary Clinton won  
10 the election, there would be war." To be clear, Mr. Varnell  
11 was not a fan of President Trump either. He simply weighed  
12 his options and believed one was the lesser of two evils. He  
13 thought President Trump winning would weaken the government  
14 but that if Hillary Clinton won, there would be war.

15       Mr. Elisens told Mr. Varnell that he was going to farm  
16 status. He didn't want to be around for this, meaning he was  
17 not going to go to Missouri. He is going to go off grid. He  
18 is going to not have -- take any money with him, no amenities.  
19 He is leaving everything behind. He asked the defendant to go  
20 ahead and delete his messages since he was going to take off.

21       Mr. Varnell responded though, very specifically and  
22 swiftly, and he said that he was, quote, out for blood and,  
23 quote, when militias start to get formed, he was going after  
24 government officials when he had a team.

25       The defendant told Mr. Elisens via an encrypted message

1 that he, quote, finally had the chance to -- I'm sorry -- he  
2 finally had the chance to do something about how things are.  
3 He planned to do as much as he could.

4 The defendant stated that he had been reading about the  
5 best places to find stuff to make bombs. The defendant also  
6 said that he believed that the farm idea was naive.

7 The next day the defendant shared these thoughts that he  
8 had put onto paper by e-mailing Mr. Elisens. He described his  
9 belief that the country was a powder keg and that there would  
10 be a backlash either by the government or the people.

11 He believed there would be a Civil War before any foreign  
12 country would invade the United States. The defendant,  
13 however, believed that people were hungry for change.

14 He told Mr. Elisens that he believed the Russians --  
15 their attempt to influence the election was really nothing  
16 more than a way to accomplish their goal. They wouldn't have  
17 to invade because the reason to invade would be done away with  
18 when the people rose up and destroyed the government  
19 themselves.

20 The defendant told Mr. Elisens that he believed that they  
21 were long overdue for a Civil War. Mr. Elisens also told  
22 the defendant -- or I'm sorry -- Mr. Elisens told the  
23 defendant that he wanted to live in peace and in the blue and  
24 green of the outdoors.

25 He didn't want this talk of Civil War. He didn't want to

1 be part of it. He knew he also believed that it was very  
2 possible that it would happen, but he wanted to be off on his  
3 own when this happened.

4 Mr. Varnell responded, though, and said that if things go  
5 down and you, Mr. Elisens -- if you go live in your own world,  
6 I will have no respect for you.

7 Mr. Varnell then sent Mr. Elisens an encrypted message  
8 stating that "When I'm able, I'm going to do some Tyler Durden  
9 shit. The government is going to fucking burn with those who  
10 stand with it."

11 For anyone who doesn't know Tyler Durden, he is the  
12 protagonist in a book and a movie called *Fight Club*. In this  
13 story, the narrator of the story, he is bored with his life  
14 and he doesn't like the idea that he is having to conform to  
15 social norms, to buy what other people tell him to buy.

16 And this evolves to the point that he meets his own altar  
17 ego. He meets his own split personality. And they begin an  
18 underground fight club. But eventually this fight club morphs  
19 into an anarchist-type club --

20 MS. FRANKLIN: Your Honor, may we approach?

21 THE COURT: You may.

22 (The following proceedings were had at the bench outside  
23 the hearing of the jury:)

24 MS. FRANKLIN: Your Honor, I don't know where the  
25 government is going with this opening statement, but we have

1 not been provided with any discovery regarding a summary of  
2 *Fight Club*, the presentation that *Fight Club* is going to be  
3 presented to this jury. He is basically describing a movie  
4 that's not evidence in this case, and I would object.

5 MR. DILLON: It's in the footnote of the original  
6 complaint affidavit, I believe, and the search warrant  
7 affidavit.

8 MS. FRANKLIN: The fact that a movie was referenced  
9 in an affidavit does not give a factual basis to say what the  
10 protagonist is, what the whole history of the movie was, what  
11 happened in the movie.

12 MR. DILLON: It was also testified to at grand jury  
13 by Agent Larsen, which has been turned over.

14 THE COURT: Here is the real question. The real  
15 question is: Are you intending to put on some evidence during  
16 your case-in-chief that's going to explain your references to  
17 this -- to this movie?

18 Anything you say in opening statement is going to, for  
19 the most part, with very few exceptions, be backed up by  
20 something you are going to present during the evidence of the  
21 case. So that's the question.

22 MR. DILLON: Much like we're doing here to explain  
23 what is meant when he says, "I will do some Tyler Durden  
24 shit," we will present and go through Agent Larsen, Brent  
25 Elisens, or both, what Tyler Durden is and what that means.

1 THE COURT: What was meant by that reference?

2 MR. DILLON: Yes.

3 THE COURT: Well, in that case, the objection is  
4 overruled.

5 And just let me generally caution all counsel. Let's  
6 make sure that the remainder of your opening statement is tied  
7 to something you are going to present in evidence.

8 You do the same.

9 And let's avoid objections that slow down the case when  
10 clearly there is reference in the documents -- I mean, I have  
11 seen it, I have read about it -- to this notion of *Fight Club*  
12 and the reference to this individual. And I think it's fair  
13 for counsel to explain it as long as he's going to have a  
14 witness who is going to say something about it during  
15 testimony.

16 So the objection is overruled.

17 Anything else, Counsel?

18 MR. DILLON: Yes, your Honor. I apologize. I meant  
19 to bring it up before we began our opening, but while we are  
20 here the government would invoke the rule.

21 THE COURT: I usually do that after opening  
22 statement.

23 MR. DILLON: Because we are going into such detail,  
24 part of our issue is that they have listed his mother and  
25 father as potential witnesses, who are in the courtroom.

1           We would also ask for a specific admonishment, because I  
2 believe at least one of the sisters is in here, that they  
3 understand they can't go repeat to mom and dad what they hear.  
4 That goes for the defendant and for any other people in here.

5           THE COURT: Okay. Well, I mean, like I said, I  
6 typically invoke the rule after opening statement, but I'm  
7 happy to do it now.

8           I am not going to single out any particular people. I am  
9 just going to invoke it the way I normally do and give the  
10 instruction I normally give.

11           MS. FRANKLIN: Your Honor, regarding Mrs. Varnell,  
12 offer to the Court that there is -- we would request an  
13 exception be given to her based on a number of factors.

14           First of all, we have -- there is a guardianship in place  
15 due to Mr. Varnell's mental status, that she is a legal  
16 guardian of him. And I think the fact that just because she  
17 is a witness -- Mr. Varnell here is a younger defendant. This  
18 is a very serious case. And I believe having the moral  
19 support of someone such as his mother is very important to  
20 him.

21           Regardless of the fact that she would be the best  
22 evidence of his background and characteristics, the fact that  
23 she is a witness, I think, would ultimately deprive him of  
24 having the support system that he needs in the courtroom.

25           Also, given the fact of his mental condition, I think it

1 would be a comfort of him to know that she was here and able  
2 to see what was going on as his legal guardian.

3 THE COURT: Are you going to call her as a witness?

4 MS. FRANKLIN: It is our intent to call her as a  
5 witness, but --

6 MS. BEHENNA: Your Honor, if I can just follow up on  
7 that.

8 THE COURT: Go ahead.

9 MS. BEHENNA: It's not like she is presenting facts.  
10 It's not like she knows anything about this. She is providing  
11 background to the jury about who he is, the fact that there is  
12 a guardianship.

13 So it's more historical information. It's not a typical  
14 fact witness that normally the rule of sequestration is  
15 invoked for.

16 THE COURT: Now, you said a minute ago that she is  
17 the guardian?

18 MS. FRANKLIN: There is a legal guardianship. And  
19 it's my Exhibit No. 100, your Honor.

20 THE COURT: Is it of the person and of his property  
21 or --

22 MS. FRANKLIN: It's of Mr. Varnell.

23 THE COURT: Okay.

24 MR. DILLON: Your Honor, if we could -- I know of no  
25 exception for parent or guardian.



1 THE COURT: Right.

2 MR. DILLON: She has made public statements refuting  
3 statements that were in the affidavit by the source, making  
4 statements of what occurred during the investigation that she  
5 says she witnessed and that her husband witnessed.

6 There is -- the defendant has been found competent. They  
7 have not raised an insanity issue. This talk about because of  
8 his mental condition, I truly know of no evidence that says  
9 that he needs his mother's support more than any other  
10 defendant.

11 THE COURT: Is -- do you all have -- on your defense  
12 side, do you have any objection to invoking the rule right  
13 now?

14 MS. FRANKLIN: I would request that it remain not  
15 invoked until after the conclusion of opening statements.

16 THE COURT: Okay. So here is what I'm going to do.  
17 I am going to follow my usual practice. I am going to invoke  
18 the rule after opening statements.

19 I have concluded the rule is going to apply to  
20 Mrs. Varnell. There is -- unless you establish more of a  
21 necessity for her to be in the courtroom -- you know, if you  
22 can do that, I will listen to it. But as of right now, it's  
23 going to apply to her. Okay?

24 All right. Thank you.

25 (The following proceedings were had in open court:)

CHRISTINA L. CLARK, RPR, CRR  
United States Court Reporter  
200 N.W. Fourth Street, Suite 5419  
Oklahoma City, Oklahoma 73102  
christina\_clark@okwd.uscourts.gov - ph(405)609-5123

1 THE COURT: Government, please proceed.

2 MR. DILLON: Thank you.

3 The conclusion of *Fight Club* ends where the protagonist,  
4 Tyler Durden, has set explosives, homemade explosives, in a  
5 van below bank buildings and other financial institutions to  
6 reset everybody's count -- their debit count to zero, to start  
7 over.

8 So when the defendant says, "I am going to do some Tyler  
9 Durden shit," you will hear testimony of what that meant, what  
10 Tyler Durden is and is known to be.

11 The defendant tells Mr. Elisens also that he's had --  
12 he's learned enough chemistry over the years that he could  
13 make a gas bomb out of anything and that when -- that he will  
14 hit up Walmart when -- and he writes -- SHTF, which you will  
15 hear means "when shit hits the fan," and that he is going to  
16 be in the pool section first.

17 About a week later, on October 29th of 2016, Mr. Varnell  
18 tells Mr. Elisens that he believes that he has just found a,  
19 quote, like-minded guy. Mr. Elisens asks if he means  
20 like-minded like survival or team or both. Mr. Varnell  
21 responds "team." Mr. Elisens will tell you that he took that  
22 to mean somebody that could help him on this course of  
23 destruction.

24 Over the next few days, Mr. Varnell tells Mr. Elisens  
25 that he would like to hack an emergency broadcast system and

1 send out that message that he had written. He believed that  
2 they could be, quote, the new Anonymous attack. Anonymous is  
3 just a non-centralized group of hackers that are known for  
4 adopting Guy Fawkes masks. He was an individual who attempted  
5 to blow up Parliament back on November 5th of 1605.

6 And this becomes relevant, as you will hear, because the  
7 defendant tells Mr. Elisens also that if they could pull this  
8 off on November 5th, they would be legends.

9 On November 8th of 2016, Mr. Varnell messages Mr. Elisens  
10 again and tells him that he has forgotten the TextLock  
11 password and that he wanted to have a decent conversation with  
12 him. Mr. Elisens gives him some hints of what those passwords  
13 are and Mr. Varnell figures it out and he sends an encrypted  
14 message.

15 He says: "I am fucking done with this Anonymous shit. I  
16 need a team. IDC" -- meaning I don't care -- "what happens  
17 with this election. It's time to bomb some fucking banks."

18 Mr. Elisens tells him it's time for him to just go get  
19 off the grid. Mr. Varnell says that he is not going to run  
20 away but he is going to take action.

21 The defendant sends another encrypted message that says:  
22 "I need a team."

23 Mr. Elisens, again, tries to persuade the defendant that  
24 his, quote, first wave -- this first wave is not for them. He  
25 asks him to trust him and to leave with him.

1           The defendant tries to convince Mr. Elisens that the  
2 people need a sign, even if there is something less serious  
3 like an EMP, so there is no casualties.

4           Mr. Elisens, again, asks the defendant, Come with me  
5 instead.

6           The next morning Mr. Varnell learns that Hillary Clinton  
7 had lost the election. However, undeterred by this, on  
8 approximately November 20th, the defendant sends an encrypted  
9 message to Mr. Elisens stating:

10           "I think I'm going to go with what the OKC bomber used,  
11 diesel and anhydrous ammonia. I might have to make a  
12 distillery to process some of this stuff, but it's a solid  
13 recipe."

14           Mr. Elisens, still planning on leaving town, tells  
15 Mr. Varnell in an encrypted message: "Make sure all the  
16 civilians and innocents and children are not in the building."

17           The defendant simply and openly responds: "Well, no  
18 shit."

19           Mr. Elisens leaves town on approximately November 27,  
20 2016. Over the next few months, Mr. Varnell continues to post  
21 about his feelings towards the government and how nothing had  
22 changed in the wake of the election.

23           In the meantime, Mr. Elisens has actually returned to  
24 Oklahoma. Mr. Elisens during this time had actually been on  
25 supervised release. He was being supervised, essentially like

1 a term of probation or parole, somewhere where he has to check  
2 in with an officer and has to get permission to do certain  
3 things, including leaving the state.

4 Mr. Elisens goes to court and is sentenced to a term of  
5 incarceration in the county jail. It was after he had been  
6 sentenced that, through his attorney, Mr. Elisens decides that  
7 he needs to notify somebody about what Mr. Varnell is wanting  
8 to do, his desire to bomb a building.

9 At first Mr. Elisens didn't even want to be identified.  
10 He simply wanted this information passed to law enforcement  
11 anonymously. Eventually, though, Mr. Elisens decides that he  
12 will meet in person with agents and tell them what he knows.  
13 He wants to prevent the defendant from following through with  
14 this plan that he's been aware of.

15 In January of 2017, FBI, for the first time, meet with  
16 Mr. Elisens. This is the first time that Mr. Elisens provides  
17 details about Mr. Varnell, his desire to form a team, to bomb  
18 a building, and to send a message to the government. This is  
19 the first time that there is any government involvement in  
20 this case. January of 2017.

21 Mr. Elisens gives details concerning the text  
22 conversations. He tells FBI how him and Mr. Varnell met, the  
23 plan for the group to start the farm in Missouri, and  
24 Mr. Varnell's more recent plan to bomb a building.

25 He tells them that Mr. Varnell wants to bomb the Federal

1 Reserve Building in Washington D.C. Mr. Varnell wanted to do  
2 something similar to what happened in Oklahoma City.  
3 Mr. Elisens tells FBI that he sent a message back to the  
4 defendant saying, As long as there's no casualties. He says  
5 Mr. Varnell agreed.

6 Mr. Varnell told agents that he had saved screenshots  
7 though of some of these messages and that he still had them at  
8 home on his computer.

9 Mr. Elisens finished his time in the county jail. And in  
10 March of 2017, he begins to re-establish contact with -- I'm  
11 sorry -- Mr. Elisens had finished his time and he begins to  
12 reinitiate contact with Mr. Varnell.

13 On March 31st, FBI, again, meet with the defendant and  
14 his attorney, and they talk more specifically about what  
15 information Mr. Elisens had and what he had been told.

16 At that time they're also provided copies of these  
17 messages. These messages included the message of "I'm out for  
18 blood" and "when militias start getting formed, I'm going  
19 after government officials."

20 He shared the one that said, "I'm going to go with what  
21 the OKC bomber used." He shared the message that Mr. Varnell  
22 had written about his concerns that the country had become a  
23 powder keg and it was primed for Civil War.

24 And there was also a screenshot where Mr. Varnell had  
25 sent Mr. Elisens his address. Now, again, these were messages

1 sent back in the fall, prior to Mr. Elisens coming forward to  
2 the government.

3 FBI develops a plan that they need to understand if  
4 Mr. Varnell is serious about this, and they corroborate what  
5 Mr. Elisens has told them and does Mr. Varnell still intend to  
6 go through with something like this?

7 As part of that plan, Brent Elisens agrees to actually  
8 become an informant. He is going to report to FBI, he is  
9 going to report on conversations that he has with the  
10 defendant. And he is even going to utilize recording devices  
11 to help document those conversations.

12 On April 24th, May 10th, and May 17th, they did exactly  
13 that. They met at Mr. Varnell's residence. Those  
14 conversations are recorded. They also continue to have  
15 communications online via Facebook, via TextLock.

16 After only three times of seeing Mr. Elisens ever,  
17 Mr. Varnell agrees that on June 1st that he's going with  
18 Mr. Elisens to go meet who he is introduced to as Mark  
19 Williams. They also call him "The Professor." He doesn't  
20 know that this is FBI trying to understand what he wants to  
21 do.

22 They go to a restaurant. But after they eat, they decide  
23 it's going to be better if we talk in the car. It will be  
24 more secure. There won't be people around.

25 Mr. Varnell told the undercover agent that he had made

1 homemade C-4 the last 4th of July and that his mother got mad  
2 that he used it. He stated that he followed the 3 Percenter  
3 ideology on Facebook. He talked about wanting to bomb data  
4 centers, one reason being is that there's less security. If  
5 you go to somewhere like NSA, SWAT is going to swoop in on  
6 you.

7 They talk about what it would take for a device to  
8 actually function. He also tells the undercover, "I'm a fan  
9 of *Fight Club*. I want to do something similar to that."

10 This was not the last time that he met with the  
11 undercover, as you already learned. The undercover employee,  
12 Mark Williams, meets again with Mr. Varnell on June 26th.  
13 They communicate online. They text each other. And they  
14 agree to go scout target locations.

15 Mr. Williams had been presented to Mr. Varnell as  
16 somebody who had access to explosives and that he could help  
17 them accomplish what they were wanting to do if he still  
18 wanted to do it.

19 Mark Williams tells Mr. Varnell, I need you to help pick  
20 the target. I need to know what we need to get. And on July  
21 13th of this past year, Mark Williams picks up the defendant  
22 at his home and says, Where are we going? The agent had  
23 actually thought they were going to be going to Oklahoma City  
24 and Dallas. That's what had been previously arranged with  
25 Mr. Varnell, sometimes using Mr. Elisens as his intermediary



1 of where potential targets were.

2 Mr. Varnell would discuss things that -- places that had  
3 weaknesses to them, places that looked vulnerable. They  
4 discussed the IRS building outside of Dallas and a few other  
5 locations.

6 But when he gets in the car with Mark Williams, to his  
7 surprise, Mr. Varnell tells them, Let's head to Amarillo.  
8 I've got a place there.

9 So Mark Williams, knowing that his coverage -- other  
10 agents that are going to be monitoring him aren't prepared to  
11 all of a sudden head west when they were heading east and  
12 heading south, he says, Well, you also mentioned a place in  
13 Oklahoma City. Why don't we go check that place out first.

14 And they head downtown. This is in the middle of the  
15 day, about probably 2:00 p.m. They walk around, they look at  
16 buildings.

17 Mr. Varnell is not simply hiding, walking, and waiting  
18 for the undercover to do something. He tells him -- he tells  
19 the undercover, when he sees a college sign above one of the  
20 doors of one building, like, I don't want to do that. Those  
21 aren't people -- I don't want to hurt people. There's college  
22 students there.

23 And that is something that Mr. Varnell had maintained the  
24 whole time. I don't want to hurt people. He was help  
25 directing what this plan would be. He was -- it was starting

1 to take shape.

2 They come across the BancFirst building. It was  
3 something that had been previously mentioned by Mr. Varnell.  
4 They check out the alley, they see the loading dock and  
5 realize not only is it something that's out of view, they can  
6 park something underneath there, it won't be easily seen. Not  
7 that it's going to take long.

8 And then it's decided. Mr. Varnell actually says, "We  
9 ought to talk to Brent about this too," and they go meet with  
10 him.

11 On the way back from this trip, the undercover asks  
12 Mr. Varnell, What's the deal? What's your motivation? Why  
13 are you wanting to do this?

14 He says, I don't think you understand my hatred of the  
15 federal government.

16 Brent Elisens meets with Mr. Varnell a couple more times.  
17 There were tasks that each person was supposed to do.

18 Mr. Varnell was supposed to get some tubs to put the ANFO  
19 in. He was also supposed to get a vehicle. He said that he  
20 could get a vehicle through some people he knew but that never  
21 came to fruition.

22 He told the undercover that he had found some barrels to  
23 use. And Mr. Varnell also wanted to send a message when they  
24 did this, partially because he wanted to make sure that some  
25 other group, such as ISIS, didn't take claim for his acts.

1           So part of what he was supposed to do is write a message,  
2 and Brent Elisens was going to figure out a way for this to be  
3 broadcast on the internet or through the Emergency Broadcast  
4 System, some way to get this message out.

5           The undercover meets with Mr. Varnell one more time.  
6 They talk about finalizing this plan. At no point did  
7 Mr. Varnell seem dissuaded when they spoke with him. In fact,  
8 at least two times at that point he had been told: If you  
9 don't want to go through with this, that's fine. This is your  
10 deal.

11           Mark Williams tells him, I'm not even from this state.  
12 This is on you. But if you want to, I can help.

13           So then comes the day. They decided on August 11th. It  
14 was a Friday. He believed Mark Williams was driving in from  
15 West Virginia. He was utilizing the fact that Mark Williams  
16 had a girlfriend here. That was his cover story to have a  
17 reason to come to Oklahoma.

18           But he had gotten materials from his friend in West  
19 Virginia who worked at a quarry. He was going to bring a  
20 thousand pounds with him, det cord, blasting caps, everything  
21 that was needed to do this.

22           He picked Mr. Varnell up a little after 6:00 p.m. that  
23 night and he drove him to a storage building. He asked  
24 Mr. Varnell -- after they got out and they unloaded the  
25 equipment, he would ask him, Do you know what this is? And he

1 did.

2 He said, Do you know what to do with it? He did. Talked  
3 about you stick the boosters down in the ANFO. He said, You  
4 just stick it right in there. And this might be scary to  
5 some, but it is that simple.

6 You will hear testimony of exactly how you build this  
7 device and how they built it that night. This device had been  
8 designed by FBI in a fashion similar to what Mr. Varnell  
9 described he wanted to do.

10 What Mr. Varnell did not know was, to make sure that  
11 everything was safe, that these were substitute -- all these  
12 items were substituted with inert items. The det cord's not  
13 going to blow, the blasting caps aren't going to blow, the  
14 boosters aren't going to spark. It's not going to happen.  
15 But he doesn't know that as he's doing it.

16 And before they were picked up, he sent the message that  
17 we began with. It was a retaliation. It was a call to arms.  
18 That's the message that he wanted to send.

19 Through no part of this investigation are you going to  
20 hear that there was an indication that Mr. Varnell was acting  
21 strange, that he was not acting normal. There are no reports  
22 that he was off his medication.

23 In fact, to the contrary, in this trial there's not a  
24 claim of insanity. There's not a claim that he's incompetent.

25 What the evidence will show you is that the defendant had

1 a desire from as far back as October of 2016 at least to bomb  
2 a building; that he had a message that he wanted to broadcast.  
3 He wanted a revolution, he wanted a Civil War.

4 And the evidence will show you that he followed through  
5 with this when he thought he had his team and that he had,  
6 with these like-minded people, finally the ability to do it.

7 And the evidence will show you that his intent is clear  
8 when he dials that phone three times to make sure that that  
9 thousand-pound bomb had gone off on August 12th in downtown  
10 Oklahoma City.

11  
12 (End of requested excerpt.)  
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## 1 CERTIFICATE OF OFFICIAL REPORTER

2 I, Christina L. Clark, Federal Official Realtime Court  
3 Reporter, in and for the United States District Court for the  
4 Western District of Oklahoma, do hereby certify that pursuant  
5 to Section 753, Title 28, United States Code that the  
6 foregoing is a true and correct transcript of the  
7 stenographically reported proceedings held in the  
8 above-entitled matter and that the transcript page format is  
9 in conformance with the regulations of the Judicial Conference  
10 of the United States.

11  
12 Dated this 14th day of February, 2019.

13  
14 s/CHRISTINA L. CLARK  
15 Christina L. Clark, RPR, CRR  
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CHRISTINA L. CLARK, RPR, CRR  
United States Court Reporter  
200 N.W. Fourth Street, Suite 5419  
Oklahoma City, Oklahoma 73102  
christina\_clark@okwd.uscourts.gov - ph(405)609-5123